

Release  
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**SUMMARY OF CASES ACCEPTED  
DURING THE WEEK OF JANUARY 19, 1999**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-6 People v. Coria, S074251. (C026099; 66 Cal.App.4th 1385.)

Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether the crime of manufacturing methamphetamine requires awareness of the character of the substance being manufactured. (See Health & Saf. Code, § 11379.6(a).)

#99-7 People v. Hatch, S074630. (B112071, B112973; 66 Cal.App.4th 1510, mod. 67 Cal.App.4th 730c.) Petition for review after the Court of Appeal dismissed an appeal from an order dismissing felony charges and affirmed an order granting habeas corpus relief. This case concerns whether a trial court's post-mistrial determination that a jury would not unanimously vote to convict and dismissal of charges amount to an implied acquittal so that double jeopardy guarantees bar either a People's appeal or a recharging.

(over)

#99-8 People v. Johnson, S074453. (E020554.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

#99-9 People v. O'Hare, S074598. (B111649.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

Johnson and O'Hare both present an issue, concerning whether gross vehicular manslaughter while intoxicated is a lesser included offense of murder, which is related to an issue before the court in People v. Sanchez, S066991 (see #98-25), and People v. Gonzalez, S069308 (see #98-74).

#99-10 Lavelle v. BankAmerica Corp., S074192. (A076936; 66 Cal.App.4th 1368.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether a national bank officer's action for employment discrimination under the Fair Employment and Housing Act is preempted by the National Bank Act. (See Gov. Code, § 12900 et seq.; 12 U.S.C. § 24, Fifth.)

## **STATUS**

People v. Poyner, S066622, an automatic appeal, was abated upon the death of the appellant.